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27 June 2018

Legal Service Division,
Legislative Council Secretariat,
Legislative Council Complex,
1 Legislative Council Road,
Central, Hong Kong.
(Attn.: Ms. Joyce CHAN)

Dear Ms. CHAN,

Ferry Services (Amendment) Bill 2018

Thank you for your letter yesterday concerning the effect of the proposed amendments to the Ferry Services Ordinance (Cap. 104) ("the FSO") as contained in the Ferry Services (Amendment) Bill 2018 ("the Bill") if enacted ("the enacted Ordinance") on applications for ferry service licences ("licences") submitted prior to the commencement of the enacted Ordinance. We have studied the matter and consider that no transitional provision is required in the Bill.

The Commissioner for Transport ("the Commissioner") is empowered under section 28 of the FSO to grant, if she thinks fit, to any person a licence to operate a ferry service between such points as are specified in the licence. Section 29(1) of the FSO specifies the maximum period of a licence which the Commissioner may grant under Section 28. The Bill only seeks to amend the maximum period of a licence that can be granted or extended at any one time, which is provided for in section 29 of the FSO, from three years to five years.

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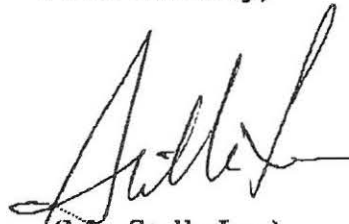
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The FSO does not specify the licence period for which a ferry operator may apply, nor does the FSO set out the procedures for licence applications which have all along been dealt with administratively. In current practice, it is up to the ferry operators to consider whether to apply for a licence of a maximum duration that the Commissioner may grant or extend under the FSO. By not specifying a licence period for which a ferry operator may apply, this freedom of choice is already enshrined in the current FSO. Since it is the Administration's policy to maintain this freedom of choice in the enacted Ordinance, no extra provision, whether transitional or otherwise, is required. In other words, the proposed amendments to the FSO will not affect such freedom of choice of the ferry operators.

Accordingly, upon the commencement of the enacted Ordinance, ferry operators are free to consider whether to apply for a licence of a maximum duration that the Commissioner may grant or extend under the FSO. For applications submitted prior to the commencement of the enacted Ordinance, applicants are also free to consider whether to keep the original licence periods they applied, or to revise their applications to apply for a licence of a longer licence period.

However, to enhance the information of the ferry operators, the Transport Department has already planned to actively inform the ferry trade of the proposed amendments upon the enactment of the Bill, in particular those whose applications for licences are under processing.

Yours sincerely,



(Ms. Stella Lee)

for Commission for Transport

c.c.

Secretary for Transport and Housing
(Attn.: Miss Vivian HO) (By Fax: 2537 5246))